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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,225

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Keiji Katata

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EXAMINER

SHEN, KEZHEN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,225	<b>Applicant(s)</b> KATATA ET AL.	
	<b>Examiner</b> Kezhen Shen	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 24-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-28, 31-39 and 42-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki US 2003/0059205 A1, and further in view of Applicant's admitted background art and Takahashi et al. US 2003/0179669 A1.

Regarding claim 24, Suzuki teaches an information recording medium, comprising: an anchor area which is to record therein anchor information which is referred to in reading file system information for controlling at least one of recording and reproduction of the record information ([0041] [0042] [0046]); and an update area, to update-record therein the anchor information ([0049]). Suzuki fails to teach a dual recording layer in which record information can be alternately recorded and which update area is different from the anchor area.

However, Applicant discloses in admitted prior art the dual layer disc is a well known application for information recording mediums. Therefore, one of ordinary skill in the art would have found it obvious to combine the teachings of the anchor area and update area as taught by Suzuki with the teachings of a dual layer disc as taught by applicant's admitted prior art for the purpose of including anchor area and update area on a dual layer disc for the benefit of increasing data density on the disc. Suzuki with Applicants' admitted prior art still fail to teach an update area which is different from the anchor area.

However, Takahashi et al. teach a system of an anchor to a defect list which identifies defects in the disc along with a first and second update times information representing the number of times which a defect list has been updated and for updating the latest defect entry which is included in the anchor (133, 126 and 152 of Fig. 1, Fig. 5, [0065], [0081], [0084], [0087], [0089]). Takahashi et al. teach this system to overcome the problem of updating accurately when large amounts of information on a disc, such as the double layer disc presented by applicants, become harder to manage ([0027] – [0045]). Therefore, it would have obvious to one of ordinary skill in the art to combine the teachings of information recording medium as taught by Suzuki with Applicants' admitted prior art with the teachings of two updates lists both used to updated defect list information as taught by Takahashi et al. as a whole for the purpose of including two update lists which are on different areas on the disc used to update the anchor information for the benefit updating accurate information on the disc and allow proper user data reproduction (Takahashi et al., Fig. 10, [0309] – [0316]).

Regarding claim 25, Suzuki teaches the information recording medium according to claim 24, wherein the update area is included in a user area to record therein the record information (Figs. 2A-2D, the anchor is inside the data area, [0047]-[0049]).

Regarding claim 26, Suzuki teaches the information recording medium according to claim 24, wherein the update area is included in a border management area to manage a border area which is a recording unit by which the record information is alternately recorded ([0047]-[0049]).

Regarding claim 27, Suzuki teaches the information recording medium according to claim 24, wherein at least one of said first recording layer and said second recording layer comprises a pointer recording area to record therein pointer information which indicates an address value of the update area in which the anchor information is update-recorded ([0042] the anchor address which later may be updated is first read through the information recording medium).

Regarding claim 28, Suzuki teaches the information recording medium according to claim 27, wherein the pointer recording area is included in a recording management area to manage the recording of the record information (Figs. 2A-2D, [0047] and [0050] the addresses of the anchor is located within the designated area).

Regarding claim 31, Suzuki teaches the information recording medium according to claim 24, further comprising a position information recording area to record therein position information which indicates a position of the anchor area ([0042] [0049] the

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anchor address is fixed in a specific location which is read when reproducing the information recording medium).

Regarding claim 32, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]).

Regarding claim 33, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 25. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]).

Regarding claim 34, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 26. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium ([0047] – [0049]).

Regarding claim 35, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 26.

Regarding claim 36, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 26.

Regarding claim 37, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 27.

Regarding claim 38, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 28.

Regarding claim 39, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 27.

Regarding claim 42, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]).

Regarding claim 43, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]) and a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]).

Regarding claim 44, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]) and a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]).

Regarding claim 45, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1,

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[0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 46, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 47, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]).

Regarding claim 48, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 49, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1,



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[0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 50, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 51, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 52, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1, [0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Regarding claim 53, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 24. Further Suzuki teaches a controller which controls the anchor and update of the information recording medium (8 of Fig. 1,

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[0047]), a reading device for reading the system information (3 and 4 of Fig. 1, [0038] - [0039]) and a reproduction device (9 of Fig. 1, [0038] - [0039]).

Claims 29-30 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, applicant's admitted background art and Takahashi et al. US 2003/0179669 A1 as applied to claim 24 above, and further in view of Mitsuda et al. US 2003/0193859 A1.

Regarding claim 29, Suzuki fails to teach the information recording medium according to claim 24, wherein at least one of said first recording layer and said second recording layer comprises a flag area to record therein an update flag which indicates whether or not the anchor information is update-recorded into the update area.

However, Mitsuda et al. teaches an update flag to indicate an update in a managing area (Fig. 3, [0026], [0028] – [0035]). Therefore, one of ordinary skill in the art would have found it obvious to combine the teachings of the anchor area and update area as taught by Suzuki with teachings of an update flag area to indicate an anchor information update as taught by Mitsuda et al. for the benefit of managing update data of the recording medium.

Regarding claim 30, Suzuki fails to teach the information recording medium according to claim 29, wherein the flag area is included in a border management area to manage a border area which is a recording unit by which the record information is alternately recorded.

However, Mitsuda et al. teach to include the flag area within a management area (12 and 13 of Fig. 2, [0025] – [0026]). Therefore, one of ordinary skill in the art would have found it obvious to combine the teachings of the anchor area and update area as taught by Suzuki with teachings of an update flag area to be within a management area as taught by Mitsuda et al. for the benefit of managing update data of the recording medium.

Regarding claim 40, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 29.

Regarding claim 41, the limitations have been analyzed and rejected with respect to the rejection as set forth above in claim 30.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/  
Examiner, Art Unit 2627

/Joseph H. Feild/  
Supervisory Patent Examiner, Art  
Unit 2627